

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Criminal Misc. No. M-17699 of 2015
Date of Decision: 27.5.2015**

Kulwinder Singh

--Petitioner.

Vs.

State of Punjab

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. L.S.Bhullar, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No. 57 dated 20.4.2015 under Sections 448/457/380/120-B IPC, registered at Police Station Lambi, District Sri Muktsar Sahib.

Learned counsel for the petitioner submits that the petitioner was not allowed to take possession of the property purchased by him. He further submits that except demolition of wall at the instance of the petitioner, no article, as wrongly alleged in the FIR, was taken away by the petitioner. He concluded by submitting that petitioner has every right to take possession of the property purchased by him. He prays for allowing the present petition.

Having heard the learned counsel for the petitioner, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the given fact situation of the present

case, petitioner is not entitled for the discretionary relief of anticipatory bail at the hands of this Court, for the following more than one reasons.

Even if it is accepted that the petitioner has purchased the property in dispute, he was supposed to proceed further, in accordance with law, so as to take possession of the purchased property. Although it is a moot point whether the petitioner was true owner of the property in question, yet this fact is admitted on record that the wall was demolished at the instance of the petitioner.

Since there is a specific and direct allegation of removal of hundreds of bags of fertilizers by the petitioner, custodial interrogation of the petitioner would be a compulsive necessity of the investigating agency to conduct an effective investigation. In such a situation, protected investigation will not serve any purpose.

In view of the above and without commenting upon the merits of the case, lest it should prejudice the rights of either of the parties, no case for anticipatory bail is made out.

Dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

27.5.2015
AK Sharma